



INTERIOR BOARD OF INDIAN APPEALS

Estate of William L. Jones, Sr.

37 IBIA 272 (06/10/2002)

Related Board case:
38 IBIA 16



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF WILLIAM L. JONES, SR. : Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 02-108
:
:
: June 10, 2002

On May 29, 2002, the Board of Indian Appeals received, by transmittal from the office of Administrative Law Judge Robert G. Holt, a document which may have been intended as a notice of appeal from a March 26, 2002, Order Denying Rehearing issued by Judge Holt in the Estate of William L. Jones, Sr. (Decedent), Probate No. 001-123-030B. The transmitted document is a letter written by Peggy Sue Jones Shopbell (Appellant), stating that she was contesting Decedent's will. The letter is addressed to Judge Holt and was received in his office on May 28, 2002. For purposes of this order, the Board assumes that Appellant intended her letter to be a notice of appeal. However, as discussed below, the Board finds that her appeal must be dismissed. 1/

Judge Holt's Order Denying Rehearing informed the parties that any appeal must be filed within 60 days from March 26, 2002, and must be filed with the Board. His order also provided the Board's address.

Where a party to an Indian probate is given correct appeal instructions but files her notice of appeal with the Administrative Law Judge rather than the Board, and the filing does not reach the Board within the appeal period established by the Board's regulations, the appeal must be dismissed as untimely. E.g., Estate of Douglas Keams, 37 IBIA 111 (2002). Although Judge Holt's staff transmitted Appellant's letter to the Board immediately upon receipt in his office, the letter did not reach the Board within the appeal period. The Board finds that Appellant has failed to file a timely notice of appeal.

1/ The Board has received another possible notice of appeal in this estate. That is a letter signed by Rita Matta which is still pending before the Board in Docket No. IBIA 02-106.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is docketed but is dismissed as untimely.

//original signed

Anita Vogt
Administrative Judge

//original signed

Kathryn A. Lynn
Chief Administrative Judge